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5 October 1950

**\*OGC Has Reviewed\***

MEMORANDUM FOR: DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

SUBJECT: Proposed Revision of NSC 10/2

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1. In accordance with your request, a drafting group comprised of Messrs. Houston, Pforzheimer and [REDACTED] has examined 10/2 with a view to recommending certain changes and modifications which would tend to clarify and confirm the authority of the Director of Central Intelligence over covert operations (the activity authorized under NSC 10/2). It is the conclusion of the drafting committee that the following suggested changes and modifications would have this effect; and that unless certain of these modifications and changes are adopted, a measure of ambiguity as to the Director's full authority will remain.

2. The following is a list of the changes and modifications which the drafting committee recommends for the consideration of the Director and yourself.

a. The language "in time of peace" should be deleted from the fifth line of paragraph 2 and from the third line of the introductory phrase of paragraph 3. The reason for this recommendation is that it would accomplish a desirable confirmation of the authority of the Director of Central Intelligence to conduct covert operations in war as well as peace. This is the generally accepted interpretation of the existing document within the Central Intelligence Agency as well as the Departments of State and Defense but the point is nowhere manifest.

b. Paragraph 3a. should be changed to read as follows: "The Central Intelligence Agency shall plan and conduct covert operations." The elimination of reference to the creation of a new office within the Central Intelligence Agency is considered desirable in view of the fact that the activity is already in existence and the fact that the old language contains an implication of separate entity for this activity. The elimination of the language following the semi-colon in paragraph 3a. is considered desirable since it duplicates, and is to some extent in confusion with, later provisions of the existing document as well as the proposed modification thereof (paragraphs 3d.(2) and 4).

c. Paragraph 3b. and paragraph 3c. should be deleted in their entirety. The provision in paragraph 3b. that the Chief of the (separate) new office shall be nominated by the Secretary of State

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etc. is in derogation of the Director's authority to select and nominate the members of his own staff.

d. Paragraph 3c. is unnecessary and actually undesirable insofar as it raises an inference of autonomy and separation concerning the conduct of covert operations.

e. Paragraph 3d. establishing the responsibilities of the Director should be revised in part as follows:

(1) Sub-paragraph (1) to read that he has the responsibility for "Insuring that covert operations are planned and conducted in a manner consistent with United States foreign and military policies and with overt activities." The present phraseology specifying the channels for such coordination and the methods of settling disputes are believed to be unduly restrictive upon the Director in his relationships with the Departments of State and Defense, and to contain an unnecessary spelling out of the manner of resolving differences which may arise.

(2) In sub-paragraph (2) the word "also" should be deleted from the second line, and the words "a representative of" should be deleted from the second and third lines. The word "also" is meaningless in this context and the other language suggested for deletion is regarded as inappropriate and possibly as restrictive upon the authority of the Director to deal directly with the Joint Chiefs of Staff.

f. Paragraph 3e. should be revised to read as follows:

"Planning of covert operations pertaining to economic warfare will be coordinated with the departments and agencies responsible for the planning of economic warfare. Central Intelligence Agency will conduct all such covert operations."

The reason for this recommended change is that the other agencies referred to (and their identity is by no means established) are not competent to guide the actual conduct of covert operations in this or any other field. This is the responsibility of the Director of Central Intelligence, and the most that the other agencies can appropriately claim is the right to participate in the formulation of policy and plans so as to insure that covert operations in the economic field will be in support of and not inconsistent with national objectives.

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g. Paragraph 3f. should be deleted in its entirety as outmoded by events.

h. Paragraph 4 presents the greatest difficulties for the reason that any change in the language of this paragraph raises a host of questions concerning the relationships and inter-relationships of the Central Intelligence Agency, the Joint Chiefs of Staff, the theater commanders (and the Department of State) in the planning and conduct of covert operations in wartime. The meaning of the existing paragraph 4 has at all times been the subject of doubt and conflicting interpretations. All concerned agree that it is unsatisfactory and seriously in need of clarification. However, it is doubtful that for the purposes of the revision which the drafting committee has undertaken it would be possible or desirable to attempt a satisfactory clarification. Accordingly, the drafting committee recommends that there be substituted for the existing paragraph 4 a new paragraph couched in the language of a directive, calling upon the Director of Central Intelligence and the other agencies concerned, forthwith to formulate the appropriate concept of the planning and conduct of covert operations in wartime. (If so directed, the drafting committee will prepare a draft position paper on the basis of which discussions and negotiations with the other departments and agencies concerned could be opened).

The directive which is suggested as a substitution for Paragraph 4 of the existing document could read as follows:

"The Director of Central Intelligence, in coordination with the Joint Chiefs of Staff and the Departments of State and Defense, shall forthwith develop the appropriate concept of the planning and conduct of covert operations in wartime."

i. Paragraph 6 should be changed to read "This directive supersedes the directive contained in NSC 10/2 which is hereby cancelled."

L.R.H.

W.L.P.

F.G.W.

ADPC/FGW/djm

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